

## REMARKS

### INTRODUCTION

In accordance with the foregoing, claim 1 has been amended. Claim 4 has been cancelled. Claims 9-13 have been withdrawn. Claims 1, 2 and 5-8 are pending and under consideration.

### CLAIM REJECTIONS

Claims 1 and 2 were rejected under 35 USC 102(b) as being anticipated by or, in the alternative, under 35 USC 103(a) as obvious over Fruccho (EP 0 464 776) (hereinafter "Fruccho").

Claim 4 was rejected under 35 USC 103(a) as unpatentable over Fruccho in view of Uhlin (US 5,987,935) (hereinafter "Uhlin").

Claims 5-8 were rejected under 35 USC 103(a) as unpatentable over Fruccho.

#### **Claims 1, 2 and 4-8**

Amended claim 1 recites: "...a water level sensor to detect a water level of the rotary tub when the pumping unit and the motor are simultaneously stopped..." Support for this amendment may be found in at least original claim 4.

The Office Action relies on Uhlin to show this feature of claim 1. Specifically, the Office Action relies on the level sensing means 15, 16, 17 of Uhlin. The Examiner also notes that the level sensing means 15, 16, 17 of Uhlin are "capable of determining water level when the fluid level is stabilized, such as when the motor and pump are stopped." However, it is respectfully submitted that Uhlin nowhere discloses that the level sensing means 15, 16, 17 detect a water level of the rotary tub when the pump and the motor are stopped. Instead, 3:34-3:42 of Uhlin discusses that when operating, splashes can disturb the level sensing function causing it to become unreliable. By giving the channels connecting the chamber 17 with the interior of the machine the shape of narrow cuts 42 in the sealing edge 26 and distribute these cuts along the periphery of said edge the disturbing effect of liquid movements are reduced to a minimum.

Accordingly, it is respectfully submitted that the level sensing means 15, 16, 17 are directed to determining a water level while the washing machine is operating rather than a water level sensor to detect a water level of the rotary tub when the pumping unit and the motor are simultaneously stopped.

Claim 4 has been cancelled. Claims 2 and 5-8 depend on claim 1 and are therefore believed to be allowable for at least the foregoing reasons.

Withdrawal of the foregoing rejection is requested.

#### CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date:

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